

Exhibit Y

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

DINO ANTOLINI,

Plaintiff,

-against-

HAROLD THURMAN, BRAD THURMAN, AND 33 BRE INC.,

Defendants.

- - - - - x

39 Broadway
New York, New York

October 30, 2020
10:30 a.m.

STATEMENT ON THE RECORD

Reported by: Angela Torregrossa

LEX #159970



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A p p e a r a n c e s :

SILVERSMITH & ASSOCIATES LAW FIRM, PLLC
Attorneys for Defendants
39 Broadway, Suite 910
New York, New York 10006
BY: ROBERT SILVERSMITH, ESQ.

MR. SILVERSMITH: We represent the defendants in this action, this was a noticed deposition of the plaintiff's expert. The plaintiff had throughout this action advised both orally and in writing that plaintiff had not retained an expert. We were informed for the first time on October 21, 2020 that the plaintiff had retained an expert. We met the plaintiff's expert at the site inspection on October 22, 2020. On October 22, 2020 the defendants, therefore, served, a notice to take deposition of the plaintiff's expert for 10:00 a.m. today, October 30, 2020. Notice was served by regular mail and by FedEx and an e-mail with attachments of the notice to take deposition was e-mailed to plaintiff's counsel on October 23, 2020. By ECF Order 83 this court had said that discovery was due by October 30, 2020, accordingly, we set deposition to meet that requirement. On October 29, 2020 not having heard from the plaintiff's counsel stenographer was

ordered to appear for today's deposition.
I e-mailed plaintiff's counsel to confirm
the deposition some hours later.
Plaintiff's counsel advised that neither
plaintiff nor his witness were available
on October 30, 2020. Therefore, this
deposition cannot go forwards since
neither the plaintiff or his witness are
present today and have advised me that
they will not be here today. Thank you.

(Concluded 10:31 a.m.)